

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

v.

CASE NO.: 1:20-CV-03746 (LJL)

STEVEN J. BROOKS, et al.,

Defendants.

DECLARATION OF THEODORE J. HANSEN

Theodore J. Hansen makes the following declaration under penalty of perjury.

1. I am the chief executive officer of Convergen Energy WI, LLC (“CEW”). I base this Declaration on personal knowledge, and submit it in opposition to Plaintiffs’ (the “Libra Group’s”) Motion for a Preliminary Injunction.

2. On June 22, 2020, CEW produced 1,014 pages of document in response to Libra’s document requests.

3. Several years ago, the Libra Group directed that CEW’s server should house (and CEW should pay for) the emails of EuroEnergy Biogas Latvia Limited (“EuroEnergy”), a member of the Libra Group. After the sale of CEW to Niantic, CEW has continued to pay to host EuroEnergy’s emails on CEW’s server.

4. CEW has provided all the EuroEnergy email accounts and Office 365 accounts and all available activity logs to Libra.

5. The Euroenergy email accounts and all related information have been removed from the CEW server and Office 365 accounts.

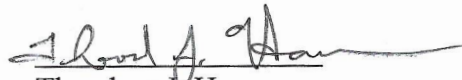
6. Brian Mikkelsen and I were never issued a laptop or phone by the Libra Capital US, Inc. We did use Convergen Energy LLC computers, which became CEW's property on January 31, 2020. Regardless, the hard drives of both my and Mr. Mikkelsen's computers were forensically imaged by CEW's outside IT consultant, Downstream LLC. Andreas Mueller of Downstream has exclusive possession of the forensic images, and they will remain in Mr. Mueller's possession until the Court rules on Plaintiffs' motion.

7. CEW, Brian Mikkelsen and I have been retaining and preserving information related to this case since we became aware of the dispute. We have executed a litigation hold and we will continue to do so until directed by counsel that a hold is no longer required or further Order of the Court.

8. I have participated in the sorting of emails for the purpose of segregating Libra-related emails from the convergenenergy.com Office 365 email accounts. We sorted approximately 264,000 emails, which were uploaded to Relativity for sorting. The emails were sorted into the following categories and sub-categories: (1) CEW-related privileged (about 3,400); (2) Libra-related emails (47,791); and (3) CEW-related subject to additional review (about 199,600), which are subdivided into (a) CEW trade secret, (b) CEW general business, (c) spam. The Libra-related emails have been made available to Libra.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 4th day of September, 2020.


Theodore J. Hansen